

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY

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WENDY STARLAND,

Plaintiff,

vs.

ROB FUSARI AND ROB FUSARI
PRODUCTIONS, LLC,

Defendants.
----- X

CASE NO.: 2:10-cv-04930-(JLL)-(JAD)

CONSENT ORDER GRANTING MOTION TO SEAL

THIS MATTER comes before the Court on non-party intervenor Stefani Germanotta's p/k/a Lady Gaga ("Germanotta") Motion to Seal limited portions of Jury Note No. 2 (Dkt. 507) pursuant to D.N.J. Local Civ. R. 5.3(c) (the "Motion"), filed with the Court on November 18, 2014. Both parties have consented to the motion.

Local Civil Rule 5.3(c) requires a showing of:

1. The nature of the materials or proceedings at issue;
2. The legitimate private or public interest that warrants the relief sought;
3. The clearly defined and serious injury that would result if the relief sought is not granted; and
4. Why a less restrictive alternative to the relief sought is not available.

Set forth below are the findings of fact and conclusions of law addressing the elements of Local Civ. R. 5.3(c). These findings of fact and conclusions of law support the granting of the Motion.

On April 20, 2011, this Court entered a Discovery Confidentiality Order (the "Confidentiality Order"), Dkt. No. 24. Pursuant to that Order, parties, and any third-party, have the right to designate as "Confidential" or "Highly Confidential" any information, document, or

thing that contains private or confidential business information, private or confidential personal information, or other information described in the Order.

The proposed redacted portion of Dkt. 507 contains highly confidential information regarding a confidential settlement agreement between Germanotta and Fusari that contains confidentiality provisions providing its terms and existence are strictly confidential, and are not to be shared with any non-party to the agreement unless compelled by legal process and, in that event, only produced in a manner that protects its confidentiality.

Germanotta has a legitimate interest in not publicly disclosing terms of the settlement agreement. Protecting bargained-for confidentiality is a legitimate public interest, particularly regarding settlement agreements. The protection of this interest warrants the sealing of court documents. *See Brumley v. Camin Cargo Control, Inc.*, No. 08-1798 (JLL), 2012 U.S. Dist. LEXIS 11702, at *4 (D.N.J. Jan. 30, 2012); *Walsh Sec., Inc. v. Cristo Prop. Mgmt.*, 2010 U.S. Dist. LEXIS 66399, at *7-8 (D.N.J. 2010); *see also Leap Sys. v. Moneytrax, Inc.*, No. 05-1521 (FLW), 2010 U.S. Dist. LEXIS 53167, at *28-29 (D.N.J. Jun. 1, 2010). Germanotta specifically negotiated, and provided substantial consideration for confidentiality in the settlement agreement. Public disclosure of confidential terms would seriously injure Germanotta by depriving her of a benefit for which she provided valuable consideration.

The Motion seeks to seal only portions of Dkt. 507 that reference confidential information. It thus seeks the least restrictive option to protect legitimate privacy interests and prevent serious injury. *See Goldenberg v. Indel, Inc.*, No. 09-5202 (JBS/AMD), 2012 U.S. Dist. LEXIS 479, at *11 (D.N.J. Jan. 3, 2012).

For the foregoing reasons, it is hereby ORDERED on this 19th day of November, 2014, that the Motion is GRANTED; and it is further

ORDERED that the Clerk's Office is directed to replace ECF No. 507 (the redacted version of the Jury Notes in this matter) with the version attached hereto.

A handwritten signature in black ink, appearing to read "Joseph A. Dickson", is written over a horizontal line.

By: Hon. Joseph A. Dickson
United States Magistrate Judge

UNITED STATES DISTRICT COURT
DISTRICT of NEW JERSEY

STARLAND,

-v-

Civil Action : 10-4930 /
Jury Communication # 1

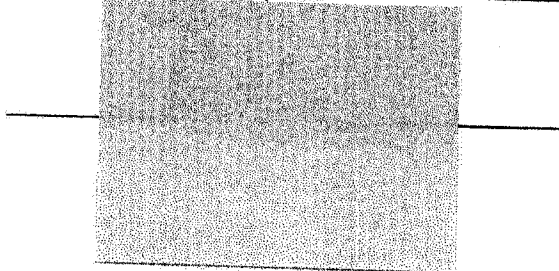
FUSARI

Can we get the copy of the original
timeline that was shown by the Plaintiff

DATE:

11/17/14

FOREPERSON:



UNITED STATES DISTRICT COURT
DISTRICT of NEW JERSEY

STARLAND,

Civil Action : 10-4930 2
Jury Communication # 2

-v-

FUSARI

was it 10,816,000 or
12,881,393 (minus Linzer +
Cavaraugh Fee)

DATE:

11/17/14

FOREPERSON:

